

1 JAMES J. BROSNAHAN (CA SBN 34555)  
2 D. ANTHONY RODRIGUEZ (CA SBN 162587)  
3 GEOFFREY GRABER (CA SBN 211547)  
4 TRodriguez@mofo.com  
5 MORRISON & FOERSTER LLP  
6 425 Market Street  
7 San Francisco, California 94105-2482  
8 Telephone: 415.268.7000  
9 Facsimile: 415.268.7522

10 Attorneys for Defendant  
11 DAVID M. RICKEY

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA  
15  
16 SAN FRANCISCO DIVISION  
17

18 LEON S. SEGEN, derivatively and on behalf of  
19 APPLIED MICRO CIRCUITS CORPORATION,

20 Plaintiff,

21 v.

22 DAVID M. RICKEY, WILLIAM M.  
23 BENDUSH, and APPLIED MICRO  
24 CIRCUITS CORPORATION,

25 Defendants.  
26  
27  
28

Case No. 07-2917 MJJ

**DECLARATION OF GEOFFREY  
GRABER IN SUPPORT OF  
DAVID M. RICKEY'S MOTION TO  
DISMISS PLAINTIFF'S VERIFIED  
COMPLAINT**

Date: November 27, 2007

Time: 9:30 a.m.

Courtroom: 11

Judge: Martin J. Jenkins

Action Filed: June 5, 2007

Trial Date: Not Set

1 I, GEOFFREY GRABER, declare:

2 1. I am an attorney duly licensed to practice law in the State of California. I am an  
3 associate at the law firm of Morrison & Foerster LLP, counsel for Defendant David M. Rickey in  
4 the above-entitled matter. I make this Declaration in connection with Mr. Rickey's Motion to  
5 Dismiss Plaintiff's Verified Complaint. I have personal knowledge of the facts herein and, if  
6 called as a witness, could testify competently thereto.

7 2. Attached hereto as Exhibit A is a true and correct copy of the 2005 Proxy  
8 Statement of Applied Micro Circuits Corporation, filed with the Securities and Exchange  
9 Commission on July 11, 2005.

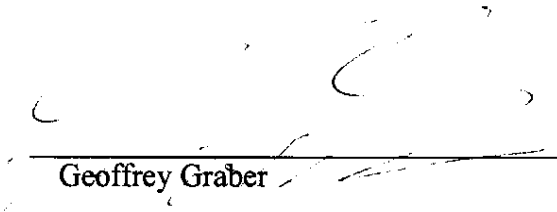
10 3. For the convenience of the court attached hereto as Exhibit B is a true and correct  
11 copy of the slip opinion from *Olagues v. Semel*, 2007 WL 2188105 (N.D. Cal. 2007).

12 4. For the convenience of the court attached hereto Exhibit C is a true and correct  
13 copy of the slip opinion from *Roth v. Reyes*, 2007 U.S. Dist. LEXIS 14532 (N.D. Cal., Feb. 13,  
14 2007).

15 5. For the convenience of the court attached hereto Exhibit D is at true and correct  
16 copy of the Order in *Roth v. Reyes*, No. C 06-02786 CRB, entered on August 27, 2007.

17  
18 Executed this 28th day of August 2007, in San Francisco, California.

19 I declare under the penalty of perjury under the laws of the United States that the  
20 foregoing is true and correct.

21  
22  
23   
24 Geoffrey Graber  
25  
26  
27  
28